

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

S.H. a minor child, and all others	:	Case No. 2:04-cv-1206
similarly situated, et al.,	:	
Plaintiffs,	:	JUDGE ALGENON L. MARBLEY
	:	
vs.	:	NOTICE OF PROPOSED CLASS
	:	SETTLEMENT
TOM STICKRATH,	:	
	:	
Defendant.	:	

ATTENTION: Youth in these Ohio Department of Youth Services (DYS) Facilities

**Circleville Juvenile Correctional Facility,
Cuyahoga Hills Juvenile Correctional Facility,
Freedom Center,
Indian River Juvenile Correctional Facility,
Marion Juvenile Correctional Facility,
Mohican Juvenile Correctional Facility,
Ohio River Valley Correctional Facility,
Scioto Juvenile Correctional Facility, or
Lighthouse Youth Center, Paint Creek, a private facility.**

If you are in one of these facilities, you are a member of a class action lawsuit entitled *S.H., et al. v. Tom Stickrath*. This lawsuit is in the United States District Court for the Southern District of Ohio, and the notice is being posted by Order of the Court.

WHAT THE LAWSUIT SAYS:

This is a civil rights lawsuit claiming that how you are treated by DYS may violate your constitutional rights. The plaintiffs include all youth in the facilities listed above. That means you are included in the lawsuit since you are in a DYS facility. The named plaintiffs (those who are bringing this case to the court) are youth referred to as S.H., D.J., and B.F. The defendant (who the lawsuit is against) is Thomas Stickrath, Director of the DYS.

CLASS CERTIFICATION

On July 9, 2007 (Doc. 67), the court entered an order saying this case can be handled as a class action (meaning it covers all youth, not just the three above). The Court has appointed the attorneys Alphonse A. Gerhardstein, Kim Brooks Tandy, Jennifer Kinsley, Maria Ramiu, Janet Moore and David Singleton as the lawyers for you.

Since this case is being treated as a “class action,” it means that the claims in the lawsuit generally apply to everyone. It also means that the proposed settlement applies to all youth at DYS as set out below.

WHAT HAS HAPPENED SO FAR

The Court appointed a team of experts to investigate the facts. You may remember that Fred Cohen and other experts visited your facility last fall to gather facts. The experts filed their report with the Court on December 31, 2007. The 200 page report concludes, among other things, that, “Most ODYS facilities were found to be overcrowded, understaffed, and underserved in such vital areas as safety, education, mental health treatment and rehabilitative programming.” The executive summary of the report is available in your living unit library and for those with access to the internet, at www.dys.ohio.gov . Since January, 2008, the parties have been working to solve the problems faced by youth in the DYS facilities and identified in the report. This notice is intended to summarize the remedy proposed by the parties.

SUMMARY OF SETTLEMENT TERMS

The proposed settlement includes approximately 100 pages and is available in your living unit and, for those with access to the internet, at www.dys.ohio.gov. Paint Creek was not found to share in the problems at the other facilities. Therefore the youth at Paint Creek are only covered by the sections related to guiding principles, release from

DYS custody, grievances, monitoring, fees, and miscellaneous terms. All of the terms are summarized below:

1. **Guiding Principles:** Some changes within DYS will be done soon, while other changes will be made over a longer period of time. First and foremost, DYS must provide you with a safe and humane environment that provides for your needs. Over time DYS plans to move to small facilities closer to your own home. Services must be provided with a focus on successful reentry, meaning helping you with what you need when you return home. DYS is developing a plan for reducing the population in the existing facilities. The remedy shall be implemented so as to maximize cost effectiveness. You must be provided rehabilitation programming and treated fairly and equitably. Families will be involved more. Staff must be properly trained. All aspects of the system must be accountable. There must be a fair and effective release process so that you are not held longer than necessary.
2. **Implementation Priorities:** The most serious problems will be solved first including violence in the facilities, isolation practices, inadequate mental health care and other programming, overcrowding, and education services.
3. **Review of Recent Changes:** DYS has already started some changes, but all of these will be reviewed by Plaintiffs and the Monitor.
4. **Policies and Procedures:** New policies and procedures will be developed in the areas being changed and will be reviewed by the Monitor. Staff will be trained on the new policies and procedures.
5. **Intake and Classification:** You must be properly assessed for programming and housed based on a valid security classification system. In other words, where you go within the DYS system will be based on what you need and your security level.
6. **Housing Units:** You will be housed in a unit that is staffed with a unit manager and social worker(s). Programming will be coordinated through the unit. There must be adequate staffing in each unit. The phone system will be improved to allow adequate low cost contact with family and significant others, especially for youth in facilities far away from family.
7. **Rehabilitation and Programming:** You will have a unified case plan with a goal of rehabilitation to help you develop socially acceptable behaviors and values.
8. **Safe Environment: Staffing, Force, Crisis Management, Restraint, Investigations:** The violence in the present facilities will end or be dramatically reduced. Juvenile Correctional Officer staff will be increased. Use of force policies will be reviewed, use of force training will be improved and policies regarding youth who act out will be reviewed for effectiveness and fairness. Investigations of critical incidents will be better.
9. **Mental Health Care:** A comprehensive system of mental health services will be provided that is responsive to the needs of youth in DYS. Mental health staff will increase.

10. **Medical Care:** Medical services will be comprehensive and meet the unique needs of adolescents. Medical staff will increase.
11. **Dental Care:** The dental program will include prevention and oral health education and immediate access to a dentist for urgent or painful conditions.
12. **Education:** DYS will comply with all laws regarding education, including full school days, education for all youth including specialty units, and will ensure that youth with special needs receive individual plans that meet their needs. Additionally, DYS will work to decrease violence in the schools, and improve the education you receive. This also includes better training for teachers and the possibility for more opportunities for vocational and post-secondary education choices.
13. **Grievance System and Youth Advocate:** The grievance system will be easy to use and be designed to better respond to your problems.
14. **Discipline:** Discipline will be fair and appropriate and you will have due process before disciplinary actions are taken.
15. **Documentation and Data Access:** DYS will maintain adequate records and the records shall be accessible to those who need them to provide services.
16. **Monitoring:** Fred Cohen, Esq. will be the monitor and will make sure these changes are happening.
17. **Dispute Resolution:** While the parties hope to cooperate to bring about these changes, there is a process by which the parties may challenge decisions of the monitor by going back to the court.
18. **Compliance and Termination:** We expect that this agreement will be for five years, but the time might be shorter if DYS fully complies sooner.
19. **Attorney Fees and Costs:** Fees and costs for the Plaintiffs' attorneys will be paid by DYS.
20. **Miscellaneous Provisions:** The parties will work to quickly resolve the many criminal cases pending against youth who are charged with crimes based on conduct within the DYS facilities. This agreement is not intended to conflict with or undermine any obligations imposed by labor agreements.

THIS IS NOT A DAMAGE CLASS ACTION

This action is not brought as a class-wide damage action. That means that it will not get you money. Plaintiffs are trying to improve how you are treated in the facilities and trying to help keep you safe. If you think you have claims for damages (money), each facility should have access to Sharon Hicks or one of her staff to discuss these claims if necessary.

FINAL APPROVAL HEARING AND OBJECTION PROCEDURE

The hearing for the final approval of the settlement with Defendant Tom Stickrath has been scheduled for **May 21, 2008 at 8:30 a.m.** in front of the Honorable Algenon L. Marbley, District Judge for the Federal District Court for the Southern District of Ohio, 85 Marconi Boulevard, Columbus, Ohio 43215. The hearing is open to the public.

If you wish to object to the settlement, write your name and address and the basis for your objection on a piece of paper. Mail your objection no later than **May 14, 2008**, to the Clerk of Court at the Court's address above and send a copy to the following address: Kim Brooks Tandy, Children's Law Center, 1002 Russell St., Covington, KY 41011.

Clerk of the United States District Court